

JUD. CA TEL

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CV

3519

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TMT BULK CO. LTD., :

Plaintiff, :

- against - :

BRAD CARRIERS INC. AND KIRWYN
SHIPPING LIMITED, :

Defendants. :

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-11-08

08 CV
ECF CASE

EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT

WHEREAS, on April 11, 2008 Plaintiff, TMT BULK CO. LTD. filed a Verified Complaint herein for damages amounting to \$6,365,719.70 inclusive of interest, costs and reasonable attorney's fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules and Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the Defendants' property within the District of this Court; and

WHEREAS, the Court has reviewed the Verified Complaint and the Supporting Affidavit, and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for the Defendants by any garnishees within this District, including but not limited to, ABN Amro, American Express Bank, Bank of America, Bank of New York, Citibank, Deutsche Bank, HSBC (USA) Bank, JP

Morgan Chase, Standard Chartered Bank and/or Wachovia Bank, in an amount up to and including \$6,365,719.70, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

ORDERED that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee; and it is further

provided garnishee consents to same

ORDERED that service on any garnishee as described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day, and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further

provided Garnishee consents to same

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ORDERED that a copy of this Order be attached to and served with said Process of Maritime Attachment and Garnishment.

Dated: 4-11-08, 2008

SO ORDERED:



U. S. D. J.